

with American companies; that certain of the defendants be declared combinations in restraint of trade, and be enjoined from engaging in interstate and foreign trade and commerce, or that a receiver be appointed to take charge of their affairs and administer them so as to bring about conditions in harmony with the law.

**Controls Entire Business.**  
The petition shows the history, development and growth of the American tobacco company from 1890 until now. It states that the total assets of the companies have increased from \$25,000,000 to \$1,000,000,000. It also shows the origin and manipulation of scores of created, acquired and controlled corporations, utilized as agencies to accomplish the general design: the progressive absorption and elimination of competitors and destruction of competition, and the entry of the companies into various departments of manufacture and trade, domestic and foreign, in tobacco products with intent to monopolize.

The allegation is made that the members of the tobacco business of the world, acting to some special territory for unimpaired exploitation. It is claimed that the consolidated companies annually purchase 475,000,000 pounds of domestic leaf, and of the total produced in the United States manufacture, sell and distribute more than 250,000,000 pounds (80 per cent. of the smoking and 20 per cent. of the cigarettes, 75 per cent. of the small cigars, 50 per cent. of the large cigars, and 10 to 15 per cent. of the cigars and cigarettes; that they are rapidly acquiring control of the ordinary agencies—jobbers, wholesalers and retailers, through which tobacco products are distributed.

Of the total annual production of domestic tobacco, estimated at \$90,000,000 pounds, 75 per cent. is purchased by the American Tobacco Company and its associates. The petition alleges to be unlawfully influenced by the combination.

It is said that this is in defiance of the usual laws of trade where open competition by many separate and independent concerns control the prices.

#### Buy Up Independents.

The operations of the monopoly, according to the petition, have been along this general plan: to acquire through one of the consolidated companies, taking from owners and managers agreements not thereafter to engage in the tobacco business; to drive out other competitors by destructive competition; to deter any who might wish to engage in the trade; and finally to gain control of the agencies through which tobacco products were distributed. It is said these things have been accomplished by means of the increasing power and resources of the combination and by acquiring controlling interests in the stock of corporations thereafter operated without competition. Many kinds of unfair trade methods have been resorted to, it is said, a favorite one being to cause a corporation secretly controlled to advertise itself as wholly independent and free from association with trusts and combinations, to offer its goods below cost, to imitate competing brands, and in these ways to use the same for the destruction of real independents.

#### Spreads to All Quarters.

After reciting the bitter trade war between American and English concerns, the petition shows how the combinations in these countries, wearying of competition, in 1902 entered into written agreements, each not to interfere with the other along certain well-defined lines and together forming the Imperial Tobacco Company to carry on the trade and commerce in other countries without competition. The government declares that this division of the world has ever since been strictly observed, and that the companies, with their allies and associates have all been operated in concert and harmony.

An interesting chapter of the petition is devoted to methods of distributing tobacco products. The American Tobacco Company in 1901, the petition states, secretly acquired control of the United Cigar Stores Company (for a long time thereafter denied), and through it retail tobacco stores are established in the large cities, which, by reason of the combination, and influence of the combination, quickly secured a dominating position in the trade and destroyed competitors.

#### GAVE EVERY AID TO GOVERNMENT

President Duke Tells How the American Tobacco Company Has Operated.

NEW YORK, July 10.—James B. Duke, president of the American Tobacco Company, made the following statement to-day regarding the anti-trust suit.

"We have not read the bill filed by the government against the American Tobacco Company and other corporations and individuals. For the past year the Federal Department of Commerce has been investigating our affairs, and in that investigation has been furnished every possible facility by us. The Federal Department of Justice also conducted an inquiry into our affairs. This matter has been requiring attention of many of our officers and employees, to appear before successive Federal grand juries in New York and Federal grand juries in other States.

"Since the Supreme Court gave legal sanction to that method of investigation more than a year ago, we have offered no obstacles whatsoever to the inquiry, but have co-operated with the counsel for the government to the end that they might get out all that they desired to know about our affairs.

"Our lawyers have constantly advised, and still advise, that our existence, business methods and success do not involve any violation of any law, and we ourselves know that they are not an injury for a minute to any class of the public, consumers of tobacco, producers of tobacco or investors.

"Berry's for clothes."



There's a bare possibility—if you put your faith and money into a cheap bathing suit—of trouble—better buy this article. They're here at \$1.00 to \$3.50.

All the other things to put you in the "swim" at the seashore.



Our success is due to our having served the public better than anybody else.

#### T. P. A. BOOSTS THE EXPOSITION

National Board Says in Resolution That It Is Gigantic Success.

[Special to The Times-Dispatch.]  
NORFOLK, Va., July 10.—Ancient the recent Travelers' Protective Association held in this city, the following resolution has been adopted in St. Louis by the national board of directors of the organization:

"Resolved, That we, the National Board of Directors, in session July 5, 1907, thank the committee of Norfolk for the magnificent success of the national convention, held at Norfolk the week of June 17th, and also thank the committee, members and ladies of Norfolk for the excellent entertainment provided during our stay; we also heartily endorse the Jamestown Exposition as a gigantic success.

"Resolved, That a copy of this resolution be sent to the committee of the Norfolk Post, T. P. A., and a copy be furnished the press."

#### TO-MORROW'S PROGRAM AT JAMESTOWN EXPOSITION.

Meekwood Day.  
Conventions meeting.—North Carolina Architectural Association, Audubons, Rooms 1, 2 and 3. Theatrical Stage Employees' Alliance, Eagle Hall, 9 to 5.  
Drill, Battery D, Third Regiment, Field Artillery.  
Guard mount, Twenty-third Infantry.  
Drill, Twenty-third Infantry.  
Gates open.  
Exhibition of Weather Bureau earthquake recorder, Government Building A.  
Mexican Band Concert, Auditorium.  
Preparation of large weather map from reports from all sections of the country, Government Building A.  
Biographic and stereoscopic exhibition, second on Indian Reservation, with lecture, Interior Department, Government Building A.  
Phono recital, Mr. Joseph Mierz, Auditorium.  
Biographic exhibition and lecture on Yosemite Valley, Government Building A.  
Lecture on aerial navigation, Mr. Ludlow and Captain Lovelace, Auditorium.  
Mexican National Band concert, reviewing stand.  
Organ recital, John Hepple Shepherd, Auditorium.  
Dress parade, Twenty-third Infantry.

#### Bradstreet Report.

Bradstreet to-morrow will say for Richmond, Va., that the weather is generally favorable for growing crops; in some sections rain is needed. The wheat and hay crops, both of which are fair to good, are being harvested. Collections are fair. The rail trade is more active. The usual end of the year is on in the produce market, and prices for most all lines show a decline this week. Larger shipments of Southern melons are noted.

#### Mr. Ramsay Better.

Mr. William McCreary Ramsay, of Westover, recently returned from a trip to California extremely unwell. He was taken to the Hyacinth Hospital, where for a time he was quite ill, but he is now recovering rapidly, and was able to take a short drive yesterday afternoon. It is now hoped that he will be quite restored within a few days.

#### Valley League Meets.

The Upper James River Valley League held a brief session here yesterday. The little business of importance was transacted, and the session lasted but a short while.

#### Licensed to Wed.

A license was issued yesterday for the marriage of Mr. C. P. Fussell, a Henrico county mail contractor, and the youngest son of the late superintendent of county schools, to Miss C. L. Colman, of Henrico county. The wedding took place at the home of the bride yesterday afternoon at 6 o'clock.

#### PROMISED SHOWER DOES NOT APPEAR

Richmond Still in the Warm Grasp of the Hot Wave.

Hot, dry weather continued through yesterday and last night, the showers predicted by the Weather Bureau not materializing. A light breeze from the South kept the day from being as oppressive as some that have preceded it, although indoors the hot, dry air was nearly stifling.

The dust nuisance has begun again. Even the faint little breeze, not strong enough to drive the perspiration on the hands and face, drove before it a cloud of street dirt that at some times was almost blinding. The Passenger and Power Company ran two sprinkling cars all day over their lines affording some slight relief, although the heat dried the paved streets very soon after the cars had passed. The much-talked-of "comprehensive system of street sprinkling," about which the Council wrangled last winter when there was snow on the ground, has not been inaugurated, and the Richmonder is again this summer forced to eat his peck of dirt almost daily.

In the evening yesterday there was the usual exodus to the parks. A large number of people were seen especially where there are little ones who cannot sleep for the heat, is to ride on the street cars for an hour or more, possibly stopping for a while at Idlewood, Lakeside, Forest Hill, or some other cool-looking point. After breakfasting, many crowds of people in the Capital Square, many men without their coats seeming to enjoy the luxury of lying flat on the grass and looking up at the stars.

#### THE WEATHER

Forecast: Virginia—Partly cloudy Thursday and Friday, probably occasional thunder-showers; light to fresh winds mostly south.  
North Carolina—Occasional thunder-showers Thursday and Friday; light to fresh winds, mostly southwest.

#### CONDITIONS YESTERDAY.

Richmond's weather was clear and hot. Range of the thermometer: 78 A. M., 78; 8 P. M., 87; 12 M., 89; 9 P. M., 87. Wind, S. by E., 12 to 14 m.p.h. Average, 84.1-2.

#### HIGHEST TEMPERATURE YESTERDAY.

Lowest temperature yesterday, 73; Normal temperature yesterday, 77; Mean temperature yesterday, 82; Normal temperature yesterday, 77; Departure from normal temperature, 5.

#### CONDITIONS IN PORTANT CITIES.

Place. Ther. H.T. Weather.  
Ashville, N. C., 70 88 Rain  
Atlanta, Ga., 70 88 Rain  
Buffalo, N. Y., 70 76 Clear  
Chicago, Ill., 72 76 Rain  
Cincinnati, O., 74 80 Rain  
Cleveland, O., 72 80 Rain  
Detroit, Mich., 72 76 P. cloudy  
Hartford, Conn., 78 80 P. cloudy  
Jacksonville, Fla., 82 86 Clear  
Kansas City, Mo., 78 80 P. cloudy  
Memphis, Tenn., 80 88 P. cloudy  
New Orleans, La., 78 86 P. cloudy  
Norfolk, Va., 72 76 Rain  
Pittsburgh, Pa., 72 76 Rain  
Raleigh, N. C., 82 84 Clear  
Savannah, Ga., 82 84 Clear  
St. Louis, Mo., 74 80 Rain  
Tampa, Fla., 74 80 Rain  
Washington, D. C., 84 80 Rain  
Yellowstone, Wyo., 56 70 Clear

#### MINIATURE ALMANAC.

Sun rises, 4:59; HIGH TIDE, 11:11; Moon sets, 7:31; Morning, 8:15; Evening, 8:44.

TO RELIEVE HEADACHE AND INSOMNIA caused by summer heat, take Southern or Home most digestion, take Hoffman's Acid Phosphate.

#### ADMIRAL SAKAMOTO TO WITHDRAW INSULT



TOKIO, July 10.—The Hochi will to-morrow withdraw the interview with Admiral Sakamoto which it recently published, in which the admiral was quoted as saying that American naval officers were brilliant social figures, but deficient in professional training and practice, and that the crews of American ships would retreat rather than fight Japan.

#### ANTICS OF CAR TERRIFIED THIEF AFTER RICH BOOTY

Negro Abandoned Dr. McGuire's Automobile, Which Then Took Its Way Into Vacant Residence on Sixth Street.

What appears to have been a deliberate attempt to steal the big White touring car belonging to Dr. Stuart McGuire was made late Tuesday night, and but for the ignorance or lack of courage on the part of the negro thief would no doubt have been successful. Some time after eight o'clock on Tuesday night Dr. McGuire came in from a drive in his big new car, which is one of the largest and handsomest in Richmond, and shutting off the motor and clamping the brake, left the machine standing in front of his house, at the corner of Sixth and Grace Streets. Towards nine o'clock some gentlemen sitting in the Westmoreland Club saw the big car roll slowly around the corner and down Sixth Street.

The car seemed to be lurching from one side of the street to another, and was evidently beyond control. The gentlemen leaning from the window to watch its erratic career were astonished to see a negro jump from the moving machine and make off up an alley. The steamer pursued its way on the front of No. 111 West Sixth Street, now vacant, smashing considerable glass and damaging the front part of the car. One of the club party, himself an expert chauffeur, jumped from the window and, climbing into the runaway car, backed off the sidewalk and shut off the engine. The police are on the lookout for the negro.

#### THOSE INJURED IN RUNAWAY ACCIDENT

Elderly Lady Dragged Some Distance and Painfully Hurt. Henrico News.

A serious runaway accident occurred in Fulton on Tuesday night on the River Road, near the Chesapeake and Ohio crossing.

Mr. James R. Roper, Mrs. C. P. Kennedy and Mrs. Bettie Bradley were in an open vehicle on their way to a break in the night. A steep hillside frightened the horse, in attempting to get out of the way of another vehicle, the buggy was upset, and all three of the occupants were thrown out. Mr. Roper and Mrs. Kennedy were both severely bruised and shaken. Mrs. Bradley, who is quite an elderly lady, was more seriously hurt, being dragged some distance and rendered unconscious. Dr. William H. Parker attended the injured ladies in the county, where all three are reported to be doing well.

#### Judge Scott Better.

The Henrico Circuit Court spent yesterday in the consideration of several civil cases of minor importance, the criminal docket having already been disposed of. Judge Scott seems to be entirely recovered from his recent sickness, although his physicians have advised him to adjourn court as soon as possible and take a vacation.

#### How Over Cow.

George Foster, colored, was on trial before Magistrate Myers Angelo yesterday morning, charged with creating a disturbance at Hardin's Shop on Monday afternoon, and beating and abusing Harry and David Donati. The row is said to have occurred over a stray cow which belonged to the Donatis and which got into Foster's corn patch. Squire Angelo decided that Foster began the trouble, and fined him \$20.

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#### MR. A. B. CHANDLER NON-ELIGIBILITY

Caroline Lawyer Strongly Contends That Dr. Gravatt Can Serve in the Senate.

#### ANSWERS MR. HILL CARTER

Reviews Matter at Length, and Says Retired Naval Officer Is Eligible.

The contest for the Senate in the Thirty-second District between Hon. Henry T. Wickham, of Hanover, incumbent, and Dr. C. U. Gravatt, of Caroline, is growing in interest almost every day, and it has many distinct features.

It will be recalled that Dr. Gravatt's eligibility to a seat in the Senate has been questioned on the ground that he is a retired naval officer, and this question has been freely discussed in the district and through the press.

An interesting correspondence with reference to the question of eligibility between Mr. Hill Carter, of Hanover, and Mr. A. B. Chandler, of Caroline. They have written each other several letters setting out their respective views at length, and these have been printed. They are worth a long far into the matter. Mr. Carter takes the ground that Dr. Gravatt is ineligible, and the opposite view is held by Mr. Chandler.

What Mr. Chandler Says. Here is a communication from Mr. Chandler, addressed to The Times-Dispatch, in answer to Mr. Carter's last letter.

"Much as the contest daily grows more interesting between Messrs. Wickham and Gravatt for a seat in the next Senate of Virginia, and inasmuch as the question of the eligibility of Dr. Gravatt has been raised by the friends of Mr. Wickham and discussed more or less from several sources, I beg a short space in your columns for the presentation of my views on the subject; and while I do not make myself with excellent knowledge of the law, having once entertained a different opinion from that I now hold, and having been converted to my present opinion by a distinguished attorney and member of the Constitutional Convention, my conversation was genuine and I believe sound and substantial. First, then, let us consider the facts as to the present status of Dr. Gravatt towards the Federal government. These are, that he was one of fifteen medical directors of the navy, who are from time to time retired from the service of the government, either upon reaching a certain age limit or for physical disability, and when retired receive from the government during life a certain amount of money, or per cent. of what they received while in the service; in other words, are pensioned. They are liable to be called again into active service on two conditions: First, should the exigency of the service demand it, and, second, should they be willing to return. The above are the facts and requirements of the Federal statute. Now, second, what are our constitutional qualifications? Section 4 of the Constitution provides that 'no person holding any office or employment under the United States government, or who is in the employment of such government, shall be eligible to either house.'

From the facts above no one will contend that Dr. Gravatt is in the employment of the United States government at the present time, and I have seen no contention to this effect. Dr. Gravatt is performing no service for the government, but is living on his farm in Caroline doing some agricultural work, and therefore it only remains to answer the question, does he now hold an office or employment, or does he now hold a post of profit or emolument? He does not hold the office of post, he did hold it, but he has been retired from that office or post, and the office or post he did hold is now being held by another man, and that other man is receiving the profit or emolument attached to that office or post, and it is surely illogical to say that two men can at one and the same time, and receive the profit and emolument incident to the same office or post, and when he was retired from the office or post, he was not retired from the office, and holds no office, he is not disqualified simply because he receives some emolument from the government. The Constitution does not disqualify those who are not now serving it, are nevertheless liable to be called to its service. If it did disqualify all such, every pensioned veteran of the Civil and Spanish Wars would be disqualified from serving in the General Assembly of Virginia. There is no obligation on Dr. Gravatt to re-enter the service of the government, and he is not disqualified simply because he has once served the government, the law expressly provides that he can be called on again only by his consent.

"Again, to show he holds no office now, he, when in the service, was required to wear the uniform of his rank, while now, having left the service, he is expressly prohibited from wearing said uniform. Another illustration of the return of its own members, and if elected, it is quite sure that the Senate of Virginia, which is the sole judge of the election, qualification and return of its own members, will not only not unseat him, but will welcome him to his seat, and that he will make a most valuable member of the Senate. No voter who would do otherwise than elect Dr. Gravatt need hesitate to vote for him for fear he may be unseated.

"A. B. CHANDLER, Hanover, Va., July 9, 1907."

## A Home Drink

After the fatigue of the day's work—after the dinner is over and you sit down for a comfortable evening at home, a bottle of Pabst Blue Ribbon will add to your enjoyment, and aid your digestion.

## Pabst Blue Ribbon

The Beer of Quality

is brewed from Pabst Famous Eight-Day Malt, which contains all of the nourishing, wholesome, food properties of barley-grain in predigested form. These properties, together with the tonic quality of the choicest hops, give nourishment and tone to the system. The very small percentage of alcohol (less than 3%) is a mild stimulant that prompts the stomach to do its best work.

When ordering beer, ask for Pabst Blue Ribbon.

Made by Pabst at Milwaukee  
And Bottled only at the Brewery.  
Pabst Brewing Co.,  
Marshall & Hancock Sts., Richmond.  
Phone 380.

#### WILL RECOUNT BALLOTS TO-NIGHT

City Democratic Committee to Review the Primary Returns.

#### CHAIRMAN DOHERTY TALKS

Declares That Persons Allowed in Room Must Preserve Strict Order.

A tedious and tiresome task is set for the City Democratic Committee to-night, when all the votes cast in the recent legislative primary will be recounted. The work of recounting the progress is made with the work it will carry the session far into the morning hours.

The reopening of the ballots comes about as the result of a request from former Alderman A. Beliro Blair, a candidate for the Senate, augmented by Captain John A. Curtis, who was defeated for the House.

There were 3,773 votes cast at the primary and there are fourteen names on the ticket, seven of which are scratched, so the work of recounting is a no mean task. There are twenty-four precincts in the city, and the number of votes cast in them ranges from about 400 to as low as sixty. The method of recounting in Richmond, where so much has been done in recent years, has been greatly simplified, and that to-night will be done with the greatest possible expedition. Chairman Doherty has named seven subcommittees of three members each, and each subcommittee will be at a separate table, so that seven counts will be carried on simultaneously.

How It Came About. The first move with reference to the real work of the recount will be this afternoon, when the trunk containing the ballots will be withdrawn from the vault of the Virginia Trust Company and carried to Murphy's Hotel under guard.

The committee will meet promptly at 8 o'clock, and the counting will be pushed as rapidly as shall be found consistent with accuracy. Each candidate who ran in the primary will have "watchers" to keep tab on the counters and to guard against possible errors. These "watchers," the candidates, newspaper men and members of the committee will be the only persons allowed in the room during the recount.

Proceed in Order. Chairman Doherty said yesterday that the committee would require absolute order during the session, and that no person, whether candidate or not, would be permitted to make any suggestions, to the subcommittees, and if this rule was violated the person breaking it would not be allowed to remain in the room. The vote secured by the respective candidates for the Senate and House was as follows:

For the Senate—Folkes, 1,931; Harrison, 1,881; Blair, 1,874; Minor, 1,790.  
For the House—Cox, 3,159; Wingo, 2,123; Massie, 2,059; Glenn, 2,004; Montague, 1,884; Key, 1,713; Blake, 1,679; Fuller, 1,607; Curtis, 1,630; Pollard, 1,446.

The committee hopes to complete the recount by midnight, but this is not by any means certain of accomplishment.

#### Path to Solitude.

The Misses (crossly): "Oh, I do wish I could be alone for a while, now and then." The Sister (brutally): "Why don't you play the piano when you feel that way?"—Cleveland Leader.

Miss Bettie Brown Benson died yesterday afternoon at 1:30 o'clock at her residence, No. 17 West Grace Street, after a lingering illness. Miss Benson was the daughter of the late Henry and Mary Benson, of Charlottesville, Va., and was fifty-five years of age. The body was brought to Richmond yesterday and taken to his late residence, on North Fifth Street.

Thomas P. Harrison, of Petersburg, died yesterday at the Soldiers' Home after a brief illness. Mr. Harrison had been an inmate of the Home for about four months. The funeral will take place this morning at 10 o'clock from the Soldiers' Home Chapel, and the interment will be in Hollywood.

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## Embroidery and Laces

Nainsook and Cambric Embroidery Edgings and Insertions, 8c value, 5c.

Torchon Lace, worth 5c, for 3-7-Bc.

Wide, Showy Embroidery, a 12-12c and 15c value, for 10c. Extra!

Extra Fine Torchon, worth 8c and 10c, for only 4-7-Bc.

Faulkner & Warriner Co.

First and Broad Streets